

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Group Art Unit: 1761

Inventors: De Sadeleer

Examiner: Corbin

Appln. No. 09/612,238

NEW Atty. Dkt: 7393/71919

Filing Date: July 7, 2000

Title: The Development of Vital Wheat
Gluten in Non-Aqueous Media

October 30, 2002

FOURTH REQUEST
TO CORRECT THE PTO
RECORDS FOR THIS APPLICATIONAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant's representative is perplexed over why the PTO has recently failed to communicate with the undersigned, actual, lawful legal representative consistent with the established written record. Why did the PTO mail and fax an Office Action dated October 17, 2002 to Pillsbury Winthrop, LLP, whose power of attorney was revoked by the assignee?

This October 30, 2002 paper is now the fourth document filed over the last year in an effort to fix this matter.

On July 5, 2002, Applicants responded to the requirement for restriction and at page 2 stated:

The Examiner should note the papers filed herein on July 12, 2001 (address change to the undersigned) and the power of attorney to the undersigned, which was filed by facsimile to Group 1700 Customer Service on July 5, 2002. The Examiner's courtesy in ensuring updated PTO records so all communications are timely directed to the attention of the undersigned is respectfully acknowledged in advance.

Applicant filed a revocation of power of attorney herein on July 5, 2002 – *more than three months ago* – via fax to 703-872-9309. Another copy thereof is enclosed.

Applicants representative filed an address change on July 12, 2001, copy attached showing PTO mail room stamp.

The cock (rooster) has crowed more than three times, so this matter is beyond Biblical proportions.

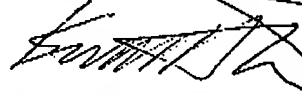
Or, for those more sensitive to the political ramifications of this issue, namely any policy works in Crystal City, with the PTO web site encouraging faxing to the PTO and the by now countless, expensive road shows featuring speakers selling the PTO's 21st Century e-patenting initiatives, it is curious indeed that something as simple as a revocation and power of attorney has no apparent effect, whether filed by hand or fax'd to the PTO's preferred fax numbers (see web site). (Indeed, one might be forgiven for being more than skeptical of the puffery since the word is out that when Congress re-convenes following the November 2002 mid-term elections, legislation will be introduced to mulct us for excessive fees – with the 10-20% diversion to the general treasury.)

All this yammering aside, Applicants really would be most grateful if the PTO would acknowledge that the records have been corrected to show the lawful address, phone and fax numbers for Applicant's representative. The favor of an explanation for why the records still require correction despite the proven, proper, prior efforts by Applicant's representative would be appreciated.

This paper and attachments (total 8 pages) were fax'd this 30th day of October 2002 to the PTO.

703-872-9309
703-872-9310

Respectfully submitted,



Kendrew H. Colton
Reg. No. 30,368
tel: 202-419-7015
fax: 202-419-7007

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006

87/85/82 15:27:52

USPTO->

RightFAX

Page 001

TO:Auto-reply fax to 202 419 7007 COMPANY:

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 202 419 7007

Fax Information

Date Received:

7/5/02 3:25:54 PM [Eastern Daylight Time]

Total Pages:

2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 702.04 et seq.

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Cover
Page

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07/05/2002 15:29 FAX 202 419 7007		FITCH EVEN		0001	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE					
In re PATENT APPLICATION of			Group Art Unit: 1781		
Inventors: De Sadeleir			Examiner: Corbin		
Appl. No. 08/812,238			NEW Atty. Dkt: 7393/71919		
Filing Date: July 7, 2000					
Title: The Development of Vital Wheat Gluten in Non-Aqueous Media			July 5, 2002		
RESPONSE TO REQUIREMENT FOR RESTRICTION					
Assistant Commissioner for Patents Washington, D.C. 20231					
Sir:					
<p>Applicant acknowledges the requirement for restriction, mailed to the wrong law firm, dated June 7, 2002. The Examiner entered a requirement for restriction between Group I (claims 1-11) and Group II (claim 12). Applicant respectfully traverses because all claims can and should be considered in one application. Applicant respectfully invites attention to the salutary objective published in the MPEP 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.") Therefore, without conceding the Groups pertain to independent or distinct inventions, and without accepting the Patent Office's historical mis-interpretation of 35 U.S.C. § 121, which requires independent and distinct inventions, Applicant requests examination of all claims 1-12 in the present application, although claims 1-11 are elected subject to traverse.</p>					
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*** TX REPORT * *

TRANSMISSION OK

TX/RX NO	2213	
CONNECTION TEL		7038729310
SUBADDRESS		
CONNECTION ID		
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PGS. SENT	2	
RESULT	OK	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Group Art Unit: 1761

Inventors: De Sadeleer

Examiner: Corbin

Appln. No. 09/612,238

NEW Atty. Dkt: 7393/71919

Filing Date: July 7, 2000

Title: The Development of Vital Wheat
Gluten in Non-Aqueous Media

July 5, 2002

RESPONSE TO REQUIREMENT FOR
RESTRICTIONAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant acknowledges the requirement for restriction, mailed to the wrong law firm, dated June 7, 2002. The Examiner entered a requirement for restriction between Group I (claims 1-11) and Group II (claim 12). Applicant respectfully traverses because all claims can and should be considered in one application. Applicant respectfully invites attention to the salutary objective published in the MPEP 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.") Therefore, without conceding the Groups pertain to independent or distinct inventions, and without accepting

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*** TX REPORT **
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TRANSMISSION OK

TX/RX NO	2211	
CONNECTION TEL		7038729309
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PGS. SENT	1	
RESULT	OK	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Group Art Unit: 1781

Inventors: De Sadeleer

Examiner: Corbin

Appln. No. 09/612,238

NEW Atty. Dkt: 7393/71919

Filing Date: July 7, 2000

Title: The Development of Vital Wheat
Gluten in Non-Aqueous MediaPOWER OF ATTORNEY FROM ASSIGNEE
AND REVOCATION OF PRIOR POWERSAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned is the Assignee of record in the above-entitled patent application as shown by the chain of title from the original owner to the Assignee as recorded on July 7, 2000 at Reel 10929 on Frame 0157, to CERESTAR HOLDING B.V.

The said Assignee hereby revokes all previous powers and appoints, Kendrew H. Colton, Registration No. 30,368, telephone (202) 419-7000, and the attorneys associated with Customer No. 22242, individually and collectively our attorneys to prosecute this patent application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

Please direct all correspondence as follows:

Kendrew H. Colton
Fitch, Even, Tabin & Flannery
1201 V... J.W.

5/8

07/05/02 14:47:45

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Rt FAX

Page 001

TO: Auto-reply fax to 202 419 7007 COMPANY:

Auto-Reply Facsimile Transmission

UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 202 419 7007

Fax Information

Date Received:

Total Pages:

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07/05/2002 14:48 FAX 202 419 7007

FITCH EVEN

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Group Art Unit: 1781

Inventors: Dr. Sadleir

Examiner: Corbin

Appln. No. 02/012,235

NEW Atty. Dkt. 7393/71918

Filing Date: July 7, 2000

Title: The Development of Vital Wheat
Gluten in Non-Aqueous MediaPOWER OF ATTORNEY FROM ASSIGNEE
AND REVOCATION OF PRIOR POWERSAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned is the Assignee of record in the above-entitled patent application as shown by the chain of title from the original owner to the Assignee as recorded on July 7, 2000 at Reel 10929 on Frame 0157, to CERESTAR HOLDING S.V.

The said Assignee hereby revokes all previous powers and appoints, Kenneth H. Colton, Registration No. 30,388, telephone (202) 418-7000, and the attorneys associated with Customer No. 22242, individually and collectively our attorneys to prosecute this patent application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

Please direct all correspondence as follows:

Kenneth H. Colton
Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20008

Cerestar Holding S.V.
AssigneeBy: [Signature]

Name: Dr. H. Koch

Title: Director

Date: 05.03.2002

Date

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MESSAGE 3 22- JUL-02

PAGE 1 2002 JUL 5

Received from <202 419 7007> at 10/30/02 6:10:29 PM [Eastern Standard Time]

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Fitch, Even, Tabin & Flannery
Intellectual Property Law Since 1859

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Washington, D.C. 20006
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Facsimile: (202) 419-7007

Kendrew H. Colton
Tel: (202) 419.7015
Email: kcolton@fitcheven.com



COPY

**STATUS REQUEST
LOCAL
ADDRESS CHANGE**

Honorable Commissioner of Patent
And Trademarks
Washington, DC 20231

July 12, 2001

Re: U.S. Appln. 09/612,238 to De Sadeleer
Filed: July 7, 2000
Title: The Development of Vital Wheat Gluten in Non-Aqueous...
Group Art Unit: 1761
Examiner: (Unknown)

Dear Sir:

Please be advised that the local phone and fax number together with the local address for Applicants' counsel have changed. Please update your records accordingly consistent with the letterhead hereinabove.

Please advise the undersigned of the status for this application.

The favor of a response by facsimile to the attention of the undersigned at 202-419-7007 is respectfully requested.

Respectfully submitted,

Kendrew H. Colton
Reg. No. 30,368
New local tel: 202-419-7000
New local fax: 202-419-7007

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